

FILED

IN THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA 12/21/12 P 1:50
Alexandria Division

FAIRFAX COUNTY SCHOOL BOARD)
)
Plaintiff,)
)
v.)
)
JOHN DOE, a/k/a "FAIRFAX LEAKS,")
CARY WIEDEMANN)
8665 Sudley Rd #167)
Manassas, Virginia 20110)
)
Defendant.)

Case No. 1:12CV1480 CMH/TCB

MANDATORY TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION

THIS MATTER came before the Court on December 21, 2012, by motion of the Plaintiff, Fairfax County School Board, for an Order temporarily restraining or preliminarily enjoining the Defendants, John Doe a/k/a "FAIRFAX LEAKS," and Cary Wiedemann to take all steps necessary to remove the Student Report Cards File from the fairfaxunderground.com and to refrain from certain other conduct described specifically below.

IT APPEARS TO THE COURT THAT:

1. On December 18, 2012, at 6:11 p.m., Defendant John Doe, using the username "Fairfax Leaks" initiated a new thread on the General Forum bulletin board entitled: "Leaked! Fairfax High School Report Cards from 2011-2012 School Year for Every Student! 2,166 Page PDF file."

2. As the title of his message indicated, the PDF attachment to Defendant John Doe's posting was the Student Report Cards File, a ~~2166~~ ²¹⁶⁶ page file containing student names, student ID numbers, absences, final exam grades, and final grades, for the 2011-2012 school

year. The Student Report Cards File posted by Doe apparently contains the names, student I.D. numbers, absences, final exam grades, and final grades for all Fairfax High School students, except those in the 2012 graduating class.

3. Fourteen minutes after his original post, at 6:25 p.m., on December 18, 2012, Doe posted a second message in which he stated that he was attaching a TXT file of the same information that he had created from the PDF format file.

4. Both the PDF and TXT versions of the Student Report Cards File were posted in a format that allows them to be viewed, downloaded, and republished by anyone accessing the fairfaxunderground.com website.

5. Defendant Cary Wiedemann is the moderator/curator of the fairfaxunderground.com website.

6. The School Board requested that Wiedemann remove the Student Report Cards File from fairfaxunderground.com, and take certain other actions to preserve the privacy of the information contained in the File.

7. Wiedemann refused to comply with the School Board's request.

8. The School Board promptly filed its Complaint for Injunctive Relief and Damages in this matter.

9. The School Board is likely to succeed on the merits of its claims against the Defendants under the Computer Fraud Abuse Act (the "CFAA") and the Virginia Computer Crimes Act (the "VCCA");

10. The School Board will be irreparably harmed if the Court does not grant the requested preliminary injunctive relief;

11. The balance of equities clearly tips in favor of granting the preliminary injunction relief requested by the School Board;

12. There is a strong public interest in removing the private and confidential information about thousands of current and past Fairfax High School students from further public dissemination. It is, therefore:

ORDERED, on this 21st day of December, 2012, at 1:40~~00~~./p.m., that the Plaintiff's motion is GRANTED, and that, conditional upon plaintiffs posting security in the sum of \$0.00, the Defendants, John Doe a/k/a "FAIRFAX LEAKS," and Cary Wiedemann, are Ordered to:

A. Take all steps necessary to remove the Student Report Cards File from the fairfaxunderground.com website;

B. Refrain from taking any of the following actions:

- i. disseminating, copying, or causing to be disseminated or copied the Student Report Card File, in any form;
- ii. accessing the School Board's computer network;
- iii. reproducing, disclosing, using, or disseminating any personally identifiable student information obtained from the School Board's computer network;
- iv. altering, erasing, deleting or destroying any computer, computer drive, computer disk, personal data assistant or any other information-containing medium currently in his possession, custody or control, or in any other way spoliating evidence pertaining to his accessing of or attempts to access the School Board's computer network.

C. Specifically identify all documents, files and communications that he accessed and/or viewed during his unauthorized access to the School Board's computer network.

This injunction will remain in effect until

Jan. 4, 2013 @ 2:00 pm.

Alexandria, Virginia

December 21, 2012

/s/

Claude M. Hilton
United States District Judge

NOTICE TO:

Sona Rewari (VSB No. 47327)
Thomas J. Cawley (VSB No. 04612)
HUNTON & WILLIAMS LLP
1751 Pinnacle Drive, Suite 1700
McLean, Virginia 22102
(703) 714-7512
(703) 918-4018 (fax)
srewari@hunton.com
tcawley@hunton.com
Counsel for the Plaintiff Fairfax County School Board

CARY WIEDEMANN
8665 Sudley Rd #167
Manassas, Virginia 20110
cary@fairfaxunderground.com
Defendant